THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

W.P.No.1136 of 2007

Date:29.01.2007

Between:

M.Saraswathi and others.

.. PETITIONERS

AND

The Government of Andhra Pradesh and others

..RESPONDENTS

ORDER:

The lands of the petitioners herein were acquired for the construction of Somasila Project. Notification under Section 4 (1) of the Land Acquisition Act, 1894 (for short 'the Act') was issued on 03.03.1994. The land Acquisition Officer passed award, dated 15.07.1994, in respect of the acquired lands and the structures thereon. Not being satisfied with the compensation awarded by the Land Acquisition Officer, some of the land owners submitted applications under Section 18 of the Act seeking reference to a civil Court. The request was acceded to and the matter was referred to the District Judge, Kadapa. The reference was taken up as L.A.O.P.No.888 of 1999.

Before the learned District Judge, the controversy was mainly as to the compensation to be paid for the structures. Through its judgment, dated 25.02.2002, the trial Court enhanced the compensation by 100%. The petitioners obtained a certified copy of the judgment and decree in

L.A.O.P.No.888 of 1999 on 20.05.2002 and submitted applications under Section 28-A of the Act on 12.08.2002. In the mean while, the Land Acquisition Officer filed A.S.No.875 of 2003 against the judgment and decree of the trial Court. This Court partly allowed the appeal and confirmed the enhancement to the extent of 80%.

The grievance of the petitioners is that though several years have elapsed ever since they submitted the applications under Section 28-A of the Act, the respondents have not taken any action thereon.

Heard the learned counsel for the petitioners and the learned counsel for the respondents.

From the facts presented by the petitioners before this Court, it is evident that they have taken all the necessary steps to avail the remedy and benefit under Section 28-A of the Act. The very purpose of adding Section 28-A was to enable such of the owners of the property, who could not seek reference under Section 18 of the Act, to reap the benefits of the enhancement made at the instance of the persons whose lands were acquired under the same notification. If the applications submitted by the petitioners suffered from any defects, it was incumbent upon the Land Acquisition Officer to intimate the same to the petitioners, so that necessary steps could have been taken within the framework of law. If the applications are in order, the relief ought to have been extended to the petitioners, without any avoidable delay. Viewed from any

angle, the inaction on the part of the respondents for a period of four years cannot be countenanced.

For the foregoing reasons, the writ petition is allowed and the second respondent, Special Collector, G.N.N.S. Project, Kadapa, is directed to pass appropriate orders on the applications submitted by the petitioners under Section 28-A of the Act, within a period of four (4) weeks from the date of receipt of a copy of this order. There shall be no order as to costs.

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29.01.2007

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